

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Wisconsin

In the Matter of the Search of:

Information stored by Facebook, Inc., associated with  
Facebook account name:

"Taylor Thierer" (ID # 100000095300343).

Case No. 21ML72

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

Information stored by Facebook, Inc., associated with Facebook account name: "Taylor Thierer" (ID # 100000095300343) further described in Attachment A.

over which the Court has jurisdiction pursuant to Title 18, United States Code, Sections 2703 and 2711, there is now concealed:

See Attachment B, incorporated herein.

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of Title 18, United States Code, Section 2252(a)(2) and 2252(a)(4)(B).

The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

**BRADLEY KURTZWEIL** Digitally signed by BRADLEY KURTZWEIL  
Date: 2021.05.17 13:59:32 -05'00'

*Applicant's signature*

**BRAD KURTZWEIL, ATF Special Agent**

*Printed Name and Title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim P. 4.1 by  
**TELEPHONE** (specify reliable electronic means):

Date: 5-17-21

City and State: Green Bay, Wisconsin

**JAMES R. SICKEL, U.S. Magistrate Judge**

*Printed Name and Title*

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Brad Kurtzweil, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with the following Facebook user ID: "Taylor Thierer" [ID # 100000095300343], that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Special Agent of the United States Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Milwaukee Field Office. I have been so employed since March 2020. My duties as a Special Agent with ATF include investigating alleged violations of the federal firearms, explosives, and arson statutes.

3. I have completed approximately 26 weeks of training (approximately 1000 hours) at the Federal Law Enforcement Training Center (Glynco, Georgia), as well as the ATF National Academy. That training included various legal courses related to Constitutional Law as well as search and seizure authority. Additionally, I have received training on how to conduct various tasks associated with criminal investigations, such as: interviewing, surveillance, and evidence collection.

4. Prior to my employment with the ATF, I was a sworn Police Officer in the State of Illinois from March 2011 to March 2020. I completed 12 Weeks (approximately 480 hours) of basic training at the Illinois State Police Academy from April 2011 to June 2011.

5. My most recent position as a Police Officer, prior to my employment with ATF, was with the Bolingbrook Police Department in Bolingbrook, IL. While employed by the Bolingbrook Police Department, I was a Patrol Officer from December 2012 until March 2020. From July 2017 until March 2020, I also served as an Evidence Technician, assigned to Patrol. During my time in Bolingbrook, I received eight Written Recognitions and two Commendations.

6. During my career as a Police Officer, I attended approximately 520 hours of additional training in areas including: evidence collection, interview/interrogation, arson and explosives, gang investigations; and drug investigations.

7. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

8. Based on the facts as set forth in this affidavit, there is probable cause to believe that the information described in Attachment A contains evidence of possession of firearms and ammunition by felons, in violation of Title 18, United States Code, Sections 922(g)(1).

#### **FACEBOOK FUNCTIONALITY**

9. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news,

photographs, videos, and other information with other Facebook users, and sometimes with the general public.

10. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

11. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

12. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook. Depending on the

user's privacy settings, Facebook may also obtain and store the physical location of the user's device or devices as they interact with the Facebook service on those devices.

13. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

14. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

15. Facebook users can exchange private messages on Facebook with other users. Those messages are stored by Facebook unless deleted by the user. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a

chat feature that allows users to send and receive instant messages through Facebook Messenger. These chat communications are stored in the chat history for the account. Facebook also has Video and Voice Calling features, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

16. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

17. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

18. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

19. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

20. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

21. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

22. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so. Based on my training and experience, I know that Facebook can provide real-time and historical location information for the device or devices using a Facebook account, including the date and time associated with a latitude and longitude.

23. Facebook further maintains a functionality it refers to as “Stories,” whereby users can post photos and videos using Facebook’s “in app” camera, frequently utilizing filters and additional text. After a user “posts” a “Story,” the “Story” will be available to their “friends” for a 24-hour period, appearing at the top of their “News Feed” in the application.

24. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications.

25. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user’s IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a

plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

26. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

#### **PROBABLE CAUSE**

27. On April 3, 2021 a group of seven people arrived together at Trigger Action Sports, located at 327 Randolph Ave, Little Chute, WI, where they rented firearms, rented ranges, manipulated firearms, and fired firearms. Included in the group of seven people were Travelle J. ADAMS, Joseph L. CLARK and Taylor Thierer. Taylor Thierer is in a dating relationship with Travelle ADAMS.

28. Both ADAMS and CLARK are convicted Felons and prohibited from possessing firearms. ADAMS is convicted of felonies out of Outagamie County, 2014CF000455 for Strangulation & Suffocation Domestic and 2015CF000961 for Aggravated Battery and Winnebago County 2016CF000041 Possession of Firearm by convicted Felon. CLARK is convicted of felonies out of Milwaukee County, 2001CF004229 for Drive or Operate Vehicle without consent and 2003CF005341 two counts of Burglary to Building or Dwelling and Take and Drive without consent.

29. Both ADAMS and CLARK signed user agreements prior to the use of firing ranges at Trigger, which stated in part, "User is not prohibited under any federal or state law or

regulation from possessing a firearm; User never has committed a violent crime or violent felony.”

30. Law enforcement viewed surveillance video which shows ADAMS carrying a black and orange duffle bag. ADAMS removed a small black case from inside the duffle bag and removed a handgun from the case. ADAMS also is seen renting a .22 caliber rifle and purchasing .22 caliber ammunition and 9mm ammunition.

31. Surveillance video viewed by law enforcement from Trigger shows ADAMS and CLARK manipulating and firing the firearms which were rented by ADAMS and brought to the facility by ADAMS on Range 1, lanes 1, 2 and 3.

32. On April 3, 2021, Taylor Thierer posted in a publicly available Facebook live video which was viewed by law enforcement, to her Facebook page, in which the video shows ADAMS manipulating a firearm at Trigger. Thierer posted a comment with the video which stated, “I.d yea but they don’t care if u a felon or nun..an u can bring your own gun an don’t need registration or paperwork or nun.”

33. On April 9, 2021, ADAMS was at Trigger where he was arrested for possession of firearm by a felon after being observed firing a firearm on Range #6 by law enforcement.

34. Law enforcement received receipts from Trigger which indicated ADAMS had previously utilized their range facilities on December 18, 2020, March 5, 2021, March 7, 2021 and March 31, 2021.

#### **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

35. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information

(including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

### **CONCLUSION**

36. Based on the foregoing, I request that the Court issue the proposed search warrant.

37. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Facebook. Because the warrant will be served on Facebook, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Dated this 17th day of May, 2021.

Respectfully submitted,

BRADLEY KURTZWEIL Digitally signed by BRADLEY KURTZWEIL  
Date: 2021.05.17 14:04:35 -05'00'

**BRADLEY KURTZWEIL**  
Federal Law Enforcement Officer

Sworn and attested to me by reliable electronic means pursuant to the requirement of Fed. R. Crim. P. 4.1 (Telephone) on this 17 day of May, 2021.



**HONORABLE JAMES R. SICKEL**  
United States Magistrate Judge  
Case No.

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the following Facebook Accounts:

“Taylor Thierer” (ID # 100000095300343).

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities from December 18, 2020, to the present;
- (c) All "Stories" posted by the account from December 18, 2020, to the present;
- (d) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from December 18, 2020 to the present, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;
- (e) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including

the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (f) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (g) All other records and contents of communications and messages made or received by the account from December 18, 2020, to the present, including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests;
- (h) All "check ins" and other location information;
- (i) All IP logs, including all records of the IP addresses that logged into the account;
- (j) All physical location data for the account, including any data collected from electronic devices associated with the account, from December 18, 2020 to the present;
- (k) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (l) All information about the Facebook pages that the account is or was a "fan" of;
- (m) All past and present lists of friends created by the account;

- (n) All records of Facebook searches performed by the account from December 18, 2020, to the present;
- (o) All information about the user's access and use of Facebook Marketplace;
- (p) The types of service utilized by the user;
- (q) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (r) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (s) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Facebook is hereby ordered to disclose the above information to the government within 10 days of issuance of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of travel in interstate commerce or use of a facility of interstate commerce with intent to possess firearms and ammunition by felons in violation of Title 18, United States Code, Section 922 (g)(1), including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence of the crimes described above;
- (b) Preparatory steps taken in furtherance of these crimes;
- (c) Evidence of the existence, scope, or overt acts in furtherance of a conspiracy;
- (d) Evidence of motive, intent, or knowledge of the crimes described above;
- (e) Evidence about the relationships between the users of these accounts;
- (f) Evidence of the location, whereabouts, and patterns of travel of the user of the account;
- (g) Appearance, clothing, and identity of the user of the account;
- (h) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (i) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (j) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (k) Evidence indicating that any person attempting to obstruct or impede investigations related to arson.